

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2012110446

v.

SAN LUIS COASTAL UNIFIED SCHOOL
DISTRICT,

SAN LUIS COASTAL UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2012080851

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On August 28, 2012, San Luis Coastal Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2012080851 (First Case), naming Student as the respondent.

On November 15, 2012, Student filed a Request for Due Process Hearing in OAH case number 2012110446 (Second Case), naming District as the respondent.

On November 15, 2012, Student filed a Motion to Consolidate the First Case with the Second Case. On November 16, 2012, District filed a Notice of Non-Opposition.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve common question of law or fact. In the First Case, District seeks to defend a speech language evaluation of Student with which Student's parents disagreed. In the Second Case, Student states three issues: Whether

Student is entitled to an independent educational evaluation in the area of speech and language at public expense; whether District denied Student a free appropriate public education (FAPE) by failing to properly diagnose Student's speech language and auditory processing disorders or provide appropriate services to respond to them; and whether District committed a procedural violation, by failing to provide certain documents. District does not oppose consolidation, which furthers the interests of judicial economy because the parties are the same and the issues overlap. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012080851 are vacated. The consolidated matter shall proceed on the dates currently set in OAH Case Number 2012110446.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2012110446.

Dated: November 20, 2012

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings